

2838
JPL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jordan Bourilkov et al.
Serial No. : 10/077,191
Filed : February 15, 2002
Title : HYBRID POWER SUPPLY

Art Unit : 2838
Examiner : Lawrence Luk

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the action mailed October 4, 2004, applicant elects the invention of Group I drawn to the embodiment of a resistor voltage divider coupled to a feedback. The election is made with traverse.

The examiner restricted Group I claims 10, 11, 14-17, 19 and 35-37 from Group II claims 20-34 on the basis that Group I was drawn to "resistor voltage divider coupled to a feedback" and Group II was drawn to "an operational amplifier with a primary battery current sensing resistor."

The examiner indicated that the Group II claims required the use of an operational amplifier. This statement is not correct. Group II claims 27-31, 33 and 35 do not require the use of an operational amplifier. Thus, these claims at least are consonant with the restriction requirement basis of Group I. At the very least therefore, Group I should be claims 10, 11, 14-17, 19, 27-31, 33 and 35 and Group II should be claims 20-26 and 32.

Moreover, even with respect to the restriction of the remaining Group II claims, the examiner is incorrect. The examiner bases the restriction on the contention that Group I was "drawn to resistor voltage divider coupled a feedback" and Group II was "drawn to an

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operational amplifier with a primary battery current sensing resistor." However, all of the claims in each group of claims are drawn to "a hybrid power supply." In addition, the claims are not related as a combination and a sub-combination, as contended by the examiner, but merely are defining different scopes of invention by reciting specific details on how primary battery control is provided.

Therefore, restriction is improper and is traversed by Applicant. Applicant will await receipt of the next office communication from the examiner prior to formally petitioning for removal of the restriction requirement.

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Respectfully submitted,

Date: _____

11/02/04



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